HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 23792 of 1999

Dated: 8th September, 2005

Between:

N.Chandrababu Naidu Nagar Weeker Sections Welfare Association, rep. by its General Secretary J.Veda Prakash, Ahmadiguda village, Keesara Mandal, Ranga Reddy District.

..... PETITIONER

AND

1.The State of Andhra Pradesh, rep. by its Secretary, Revenue

Department, Secretariat Buildings, Hyderabad and another.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.23792 of 1999

ORDER:

This writ petition has been filed by N.Chandrababu Naidu Nagar Weeker Sections Welfare Association, represented by its General Secretary J.Veda Prakash with a prayer to issue an appropriate writ, order or direction, more particularly one in the nature of Mandamus directing the District Collector, Ranga Reddy District-2nd respondent to allot the land in Survey No.24 admeasuring Ac.60.06 guntas situated at Ahmadiguda village, Keesara Mandal, Ranga Reddy District.

2. One J.Veda Prakash has sworn to the writ affidavit. He claims to be the General Secretary of the petitioner-Association. It is stated in the writ affidavit that the petitioner-Association applied for allotment of house sites on 12.05.1997. The District Collector, Ranga Reddy District-2nd respondent directed the Mandal

Revenue Officer, Keesara Mandal-3rd respondent to conduct an enquiry and thereupon the Mandal Revenue Officer, Keesara conducted an enquiry and recommended to allot house sites to the members of the petitioner-Association. The petitioner-Association also identified the land bearing Survey No.24 admeasuring Ac.60.06 guntas for allotment of house site pattas to them. Complaining inaction on the representation submitted by them for allotment of house sites, the petitioner-Association has approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

3. The respondents filed counter affidavit. One P.V. Lakshminarasimha Rao has sworn to the counter affidavit. It is stated in the counter affidavit that the list furnished by the petitioner-Association with regard to its members is lacking regarding the residential addresses of its members. I deem it appropriate to refer para. 5 of the counter affidavit and it is thus:

> "I submit that with regard to the averments made in paras.4 to 7 of the affidavit, in view of the layout approved only to the extent of 971 plots, the 2nd respondent returned the proposals and directed to conduct a fresh enquiry. It is evident from the list furnished that particulars are lacking regarding their residential addresses etc. On thorough examination it came to the notice that the persons mentioned in the list furnished by the Association are residing in the Twin Cities of Hyderabad and Secunderabad and intentionally suppressed to mention the complete addresses. In this connection, I submit that as per the assignment policy the persons claiming assignment should be normally residents of the village or within the local limits of the Mandal. In addition to the same, the assignee shall be a landless poor and his annual income shall not exceed to Rs.12,000/-. It is evident during the enquiry that the persons mentioned are neither the landless poor nor they are below the poverty line entitling them to get an assignment under the Assignment policy. Added to this assignment cannot be claimed as of right. The assignment are governed with certain rules and conditions and the assignee shall fit in the criteria, since the HUDA has approved only 971 plots over an extent of Ac.30.00 acres through revised S.E.S. is being conducted after the finalisation of the list to pass orders for granting of patta. Thus the present writ petition is not maintainable and a Mandamus cannot be issued to grant pattas as per the list furnished by the petitioner's Association which will not satisfy the assignment criteria, as soon as S.E.S. is completed the same will be placed before the committee and pattas will be granted to the eligible persons. The present writ petition is devoid of merits and the same is liable to be dismissed as it is premature."

4. Rejoinder has also been filed by the petitioner-Association.

5. Heard learned counsel appearing for the petitioner and learned Government Pleader for Assignment appearing for the respondents.

6. Learned counsel appearing for the petitioner-Association submits that the petitioner-Association submitted an application to the second respondent seeking allotment of house sites and so far no action has been taken on their application.

7. Learned Government Pleader for Assignment appearing for the respondents submits that the application submitted by the petitioner-Association is lacking particulars with regard to the residential addresses of the members of its Association.

8. In the circumstances stated above, I deem it appropriate to direct the petitioner-Association to submit a fresh application giving full particulars of its members and their residential addresses. Thereupon the Mandal Revenue Officer, Keesara Mandal has to forward the same to the District Collector, Ranga Reddy District, and thereupon the District Collector, Ranga Reddy District has to consider the application in accordance with the guidelines vide Memo. No.2700HB.II(1)/2004-I, dated 17.11.2004 issued by the Housing (HB.II) Department.

9. Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 8th September, 2005.

Note:

Issue C.C. within a week.

B/O

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